HON'BLE THE CHIEF JUSTICE SRI G.S. SINGHVI
AND
HON'BLE SRI JUSTICE C.V. NAGARJUNA REDDY

Writ Petition No.9778 of 2007

Between:

G. Goverdhan

… Petitioner

And

The Superintendent of Police,
Nizamabad District and two others.

… Respondents

:: ORDER::

Counsel for the Petitioner: Shri N. Ramesh

Counsel for the respondents: Government Pleader for Home

May 01, 2007

Per G.S. Singhvi, CJ

Whether the petitioner, who claims to have passed Pre-University examination conducted by Janardhan Rai Nagar Rajasthan Vidyapeet, Udaipur, Rajasthan (hereinafter described as 'the Vidyapeet') through Distance Education Course with the subjects of Biology, Chemistry, Physics and English, is eligible for appointment as Civil Police Constable in the services of the Government of Andhra Pradesh is the question, which arises for determination in this petition filed by him for setting aside order dated 13-4-2007 vide which the Andhra Pradesh Administrative Tribunal (for short, 'the Tribunal') dismissed the application filed by him against the cancellation of his selection.

In response to the notification issued by the Andhra Pradesh State Level Police Recruitment Board (for short, 'the Board'), the petitioner applied for recruitment as Civil Police Constable. On being selected by the Board, he was allotted to Nizamabad District. Superintendent of Police, Nizamabad (respondent No.1) vide his Memorandum No.A1-270/Estt./2006, dated 20-3-2007 directed the petitioner to report for induction training meant for Stipendiary Cadet Police Constables (Civil). After six days, respondent No.1 issued order dated 26-3-2007 whereby he cancelled the selection of the petitioner on the ground that the Pre-University course conducted by the Vidyapeet is not recognized by the Board of Intermediate Examination,

Andhra Pradesh as equivalent to two year Intermediate course. As a sequel to this, Principal, Police Training College, Ongole (respondent No.3) issued order dated 30-3-2007 and asked the petitioner to report before respondent No.1.

The petitioner challenged the aforementioned orders in

O.A.No.2048 of 2007. He pleaded that the action taken by respondent No.1 to cancel his selection is liable to be declared nullity because the Vidyapeet has been declared as Deemed University under Section 3 (f) of the University Grants Commission Act, 1956 and the Pre-University course conducted by it has been recognized as equivalent to Intermediate of the State of Andhra Pradesh. In support of this assertion, the petitioner relied on Notification No.F.9.5/84.U.3, dated 12-1-1987 issued by the Government of India, Human Resource Development (Department of Education) and certificates dated 21-11-2002, 14-2-2003, 28-5-2004, 29-6-2004, 18-12-2004 and 6-1-2006 issued by Nagarjuna University, Dr.B.R. Ambedkar Open University, Government of India, NTR University of Health Sciences, Vijayawada and Osmania University, Hyderabad respectively. He also annexed copies of Memorandum dated 22-2-2007 and 20-3-2007 issued by respondent No.1, as also orders dated 26-3-2003 and 30-3-2003 passed by respondent Nos.1 and 3 respectively.

The learned Vice-Chairman of the Tribunal made a reference to order dated 4-8-2006 passed by the learned Single Judge of this Court in Writ Petition No.5363 of 2006 – G. Rajeev v. Government of Andhra Pradesh and batch and held that the action taken by respondent No.1 to cancel the selection of the applicant (the petitioner herein) does not suffer from any legal infirmity because the Pre-University course conducted by the Vidyapeeth has not been recognized as equivalent to Intermediate by the Board of Intermediate Education, Andhra Pradesh, which is the sole repository of power under Section 9 (1)(xii) of the Andhra Pradesh Intermediate Education Act, 1971 (for short, 'the 1971 Act') to decide the issue of equivalence.

We have heard Shri N. Ramesh, learned counsel for the petitioner and the learned Government Pleader for Home and perused the record. In our opinion, the view expressed by the learned Vice-Chairman of the Tribunal on the issue of petitioner's eligibility to be selected as Constable and the legality of order dated 26-3-2007 passed by respondent No.1 does not suffer from any legal infirmity. Rather, the same is in consonance with the law laid down by the Supreme Court in **Rajendra Prasad Mathur v. Karnataka University**[1], **Director, All India Institute of Medical Sciences v. Dr.Nikhil Tandon**[2] and **State of Rajasthan v. Lata Arun**[3] and of this Court in **Board of Adult Education and Training v. Board of Intermediate Education**[4].

In Writ Petition No.9855 of 2006, S. Rashmi and two others claimed that they are eligible to be considered for admission in I year B.Tech course because they have passed Pre-University examination conducted by the Vidyapeet. Their claim was contested by the respondents on the premise that the Pre-University course of the Vidyapeet has not been recognized as Intermediate of Andhra Pradesh by the Board of Intermediate Education.

The learned Single Judge referred to the provisions of Sections 3 and 15 of the Andhra Pradesh Educational Institutions (Regulation of Admission and Prohibition of Capitation Fee) Act, 1983, the rules framed thereunder, Sections 3 and 9 of the 1971 Act and held that the Board is the only authority competent to determine equivalence of the qualifications. The learned Single Judge further held that in the absence of determination of equivalence by the Board, the Pre-University Course conducted by the University cannot be treated equivalent to 10 + 2 examination and the petitioners who

obtained Pre-University certificate after undergoing Distance Education Programme conducted by the University were not eligible to be admitted in the Engineering courses. He also noted that the writ petitioners have not produced any material to show that the University was entitled to conduct course through Distance Education Programme outside Rajasthan and held that the Pre-University certificates obtained by the appellants was not sufficient to entitle them to seek admission in the engineering courses.

Writ Appeal No.997 of 2006 preferred by the writ petitioners of that case was dismissed by the Division Bench vide its judgment dated 11-9-2006. The Division Bench approved the reasons assigned by the learned Single Judge for declining relief to the appellants and observed that neither the Board nor any statutory authority could have recognized Pre-University course conducted by the Vidyapeet equivalent to 10 + 2 course because no material was produced before the Court to show that the appellants had done experiments in the subjects of Physics and Chemistry in the laboratories under the Distance Education programme.

By applying the ratio of the above noted judgments to the facts of this case, we hold that the petitioner is not qualified to be appointed as Constable and respondent No.1 did not commit any illegality by cancelling his selection.

In the result, the writ petition is dismissed.

As a sequel to dismissal of the writ petition, WPMP No.12401 of 2007 is disposed of as infructuous.

G.S. SINGHVI, CJ

May 01, 2007

C.V. NAGARJUNA REDDY, J

SVS

---

[1] AIR 1986 SC 1448

[2] (1996) 7 SCC 741

[3] (2002) 6 SCC 252

[4] (2003(6) ALT 761 (DB)